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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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11 MICHAEL F. SCHULZE,

CASE NO. CV-F-05-0180 AWI LJO

12 Plaintiff,

**ORDER TO SHOW CAUSE WHY SUMMONS
AND AMENDED COMPLAINT HAVE NOT
BEEN SERVED TO COMPLY WITH
F.R.Civ.P. 4**

13 vs.

14 FEDERAL BUREAU OF
INVESTIGATION, et al,

15 Defendants.
16 _____/

17 Plaintiff Michael F. Schulze ("plaintiff") proceeds pro se and on August 12, 2005, filed his
18 amended complaint to allege that several federal agencies violated the Freedom of Information Act and
19 the Privacy Act, 5 U.S.C. §§ 552 and 552a. This Court granted plaintiff up to November 21, 2005 to
20 serve the summons and amended complaint on defendants United States Marshals Service ("USMS")
21 and Drug Enforcement Administration ("DEA"). To date, plaintiff has filed no documents to show
22 proof of service of the summons and amended complaint on USMS and DEA to comply with F.R.Civ.P.
23 4(i) and (m). Neither USMS nor DEA has appeared in this action.

24 F.R.Civ.P.4(m) provides in part:

25 If service of the summons and complaint is not made upon a defendant within
26 120 days after the filing of the complaint, the court, upon motion or on its own initiative
27 after notice to the plaintiff, shall dismiss the action without prejudice as to that defendant
28 or direct that service be effected within a specified time; provided that if the plaintiff
shows good cause for the failure, the court shall extend the time for service for an
appropriate period.

1 This Court ORDERS plaintiff, no later than December 12, 2005, to show cause in writing why
2 plaintiff has failed to: (1) file documents to show proof of service of the summons and amended
3 complaint on USMS and DEA to comply with F.R.Civ.P. 4(i); and (2) accomplish service on USMS and
4 DEA of the summons and amended complaint to comply with F.R.Civ.P. 4(m) .

5 **Plaintiff is admonished that this Court will recommend dismissal of this action if plaintiff**
6 **fails to comply with this order and to show good cause for failure to accomplish service of the**
7 **summons and amended complaint.**

8 IT IS SO ORDERED.

9 **Dated: November 22, 2005**
66h44d

/s/ Lawrence J. O'Neill
UNITED STATES MAGISTRATE JUDGE